

Rule 50. Continuing Education

760 IAC 1-50-1 Authority

Authority: IC 27-1-15.5-7.1

Affected: IC 27-1-15.5-7.1

Sec. 1. This rule is adopted and promulgated by the department of insurance under IC 27-1-15.5-7.1(j). (*Department of Insurance; 760 IAC 1-50-1; filed Feb 23, 1993, 5:00 p.m.: 16 IR 1825*)

760 IAC 1-50-2 Definitions

Authority: IC 27-1-15.5-7.1

Affected: IC 27-1-15.5

Sec. 2. In addition to the definitions in IC 27-1-15.5-2, the following definitions apply throughout this rule:

- (1) AAdvisory council@ means the insurance agent education and continuing education advisory council created by IC 27-1-15.5-20.
- (2) AAgent@ means an insurance agent as defined by IC 27-1-15.5-2 and shall also include a solicitor licensed under IC 27-1-15.5-18.
- (3) ACommissioner@ means the commissioner of the department of insurance.
- (4) ADepartment@ means the department of insurance.
- (5) AProvider@ means an individual, insurance company, insurance trade association, accredited college, or insurance education institution that offers an insurance agent continuing education course that is approved by the commissioner.

(*Department of Insurance; 760 IAC 1-50-2; filed Feb 23, 1993, 5:00 p.m.: 16 IR 1825; filed Nov 4, 1999, 10:12 a.m.: 23 IR 572*)

760 IAC 1-50-3 Continuing education credit hour defined

Authority: IC 27-1-15.5-7.1

Affected: IC 27-1-15.5-7.1

Sec. 3. (a) A continuing education credit hour is based on a one (1) hour block of time. Fifty (50) minutes of instruction in a sixty (60) minute period will constitute one (10) continuing education credit hour. Time designated by the provider as break time may not be considered when computing course credit hours.

(b) Continuing education credit hours will be approved in no less than one-half (2) hour increments.

(c) Except as provided in section 4(i) of this rule, two (2) continuing education credit hours are the minimum number of hours that will be approved for a continuing education course.

(d) Eight (8) hours of classroom instruction per day are the maximum number of hours that will be approved for a continuing education course. (*Department of Insurance; 760 IAC 1-50-3; filed Feb 23, 1993, 5:00 p.m.: 16 IR 1825; filed Nov 4, 1999, 10:12 a.m.: 23 IR 573*)

760 IAC 1-50-4 Application requirements

Authority: IC 27-1-15.5-7.1

Affected: IC 27-1-15.5-7.1

Sec. 4. (a) Any individual, insurance company, insurance trade association, insurance agents association, accredited college, or insurance education institution may submit continuing education courses for approval by the commissioner.

(b) Course information must be submitted on an application form that may be obtained from the Department of Insurance, 311 West Washington Street, Suite 300, Indianapolis, Indiana 46204-2787. The application form is adopted by reference.

(c) A completed application form shall be submitted to the Continuing Education Program, c/o Indiana Department of Insurance, 311 West Washington Street, Suite 300, Indianapolis, Indiana 46204-2787.

(d) The application form shall be submitted at least sixty (60) days prior to the date of the continuing education course.

(e) A provider may advertise a continuing education course after submission to the department but before its approval; however, the provider must clearly indicate in any advertisement of the course that course approval is pending.

(f) A nonrefundable processing fee in the amount of ten dollars (\$10) per application, or a yearly fee in the amount of two hundred fifty dollars (\$250) for all applications, shall be submitted to the department along with a completed application form.

(g) Videotaped, Internet, and satellite broadcast programs may be approved for continuing education credit.

(h) Each educational segment within a convention program or an association annual meeting shall be submitted individually for continuing education credit. Notwithstanding section 3(b) of this rule, the educational segment may be approved for one (1) hour of credit.

(i) Applications for continuing education course approval shall be presented to the advisory council. The advisory council shall review each application and make a recommendation to the commissioner on whether the course should be approved and the number of credit hours to be awarded. The department shall notify the provider in writing when the commissioner approves or disapproves a continuing education course.

(j) Course approval is valid for one (1) year from the date of the commissioner's approval. Thereafter, the course must be resubmitted for approval under this section. (*Department of Insurance; 760 IAC 1-50-4; filed Feb 23, 1993, 5:00 p.m.: 16 IR 1825; filed Nov 4, 1999, 10:12 a.m.: 23 IR 573*)

760 IAC 1-50-5 Requirements for self-study continuing education courses

Authority: IC 27-1-15.5-7.1

Affected: IC 27-1-15.5-8

Sec. 5. (a) In addition to the requirements in section 4 of this rule self-study courses are subject to the following requirements:

(1) Agents enrolled in a self-study course, including a computer-based course, shall take a written or computer-based examination at the conclusion of the self-study course. The written or computer-based examination must comply with the following requirements:

- (A) Examination questions shall be multiple choice.
- (B) Questions shall be selected at random from a bank of questions.
- (C) At least three (3) different versions of the examination shall be used on a random basis.
- (D) The examination for a course approved for eight (8) hours of credit or less shall consist of at least twenty-five (25) questions.
- (E) The examination for a course approved for greater than eight (8) hours of credit shall consist of at least fifty (50) questions.
- (F) The written examination shall be sealed in an opaque envelope. The testing protocol and affidavit requirements of subdivision (4) shall be written on the outside of the envelope.
- (G) The examination shall be graded by the provider.
- (H) A computer-based examination may not include prompts designed to aid the student in answering examination questions.

(2) An agent must correctly answer seventy percent (70%) of the examination questions in order to pass the self-study course.

(3) An agent must pass a self-study examination to receive any continuing education credit hours for the self-study course.

(4) When taking the self-study examination, the agent shall sign an affidavit, supplied by the provider, that states the agent did not use outside help, such as an open textbook or another individual, in taking the examination.

A second agent must sign the affidavit verifying that the second agent witnessed the first agent's examination and no outside help was used.

The signed affidavit must be returned to the provider. The provider shall retain the original affidavit for four (4) years.

(5) The provider shall grade the examination and mail the results to the agent no later than thirteen (13) days after the date upon which the agent mailed the completed examination to the provider.

(6) A computer-based course that includes a computer-based examination must be designed to prevent the student from skipping the education materials before taking the examination.

(b) Failure to comply with the requirements of this section may result in disciplinary action by the department pursuant to IC 27-1-15.5-8. (*Department of Insurance; 760 IAC 1-50-5; filed Feb 23, 1993, 5:00 p.m.: 16 IR 1826; filed Nov 4, 1999, 10:12 a.m.: 23 IR 574*)

760 IAC 1-50-6 Appeals of continuing education courses

Authority: IC 27-1-15.5-7.1

Affected: IC 27-1-15.5-7.1

Sec. 6. (a) In the event a provider objects to the number of hours assigned to a continuing education course or the commissioner disapproves a course, the provider may appeal the

commissioner=s decision. The appeal shall be made in writing to the commissioner within thirty (30) days after the commissioner=s decision.

(b) The commissioner, in consultation with the advisory council, shall consider any appeal filed by a provider.

(c) The decision of the commissioner shall be a final administrative order. (*Department of Insurance; 760 IAC 1-50-6; filed Feb 23, 1993, 5:00 p.m.: 16 IR 1826; filed Nov 4, 1999, 10:12 a.m.: 23 IR 574*)

760 IAC 1-50-7 Record keeping requirements

Authority: IC 27-1-15.5-7.1

Affected: IC 27-1-15.5-7.1

Sec. 7. (a) Providers shall take attendance at each continuing education course. The provider shall retain the attendance reports for four (4) years. The attendance report shall contain the following information:

- (1) The agent=s name.
- (2) The agent=s license number.
- (3) The agent=s birth date.
- (4) Agent=s signature.
- (5) Any other information requested by the department.

(b) Providers shall provide each agent who attends a continuing education course, or passes a self-study course, with a certificate of completion form no later than ten (10) days following the completion of the course. The certificate of completion form is adopted by reference, and a copy of the form may be obtained from the Department of Insurance, 311 West Washington Street, Suite 300, Indianapolis, Indiana 46204-2787.

(c) For two (2) years following a continuing education course, the provider shall prepare a duplicate certificate of completion upon the request of an agent who attended the course. The certificate must be provided within ten (10) days of the request.

(d) No later than ten (10) days after a request from the department, the provider shall deliver to the department a list of the agents to whom it has delivered a certificate of completion for a specific course or courses.

(e) In the event a provider fails to provide a certificate of completion as required in this section, the commissioner may suspend approval of any or all of a provider=s continuing education courses.

(f) Agents shall retain the certificate of completion for four (4) years following completion of the course.

(g) Providers shall notify the department at least thirty (30) days in advance of an approved continuing education course being offered. (*Department of Insurance; 760 IAC 1-50-7; filed Feb 23, 1993, 5:00 p.m.: 16 IR 1826; filed Nov 4, 1999, 10:12 a.m.: 23 IR 575; errata filed Dec 15, 1999, 9:08 a.m.: 23 IR 1110*)

760 IAC 1-50-8 Agent record keeping responsibilities (*Repealed*)

Sec. 8. (*Repealed by Department of Insurance; filed Nov 4, 1999, 10:12 a.m.: 23 IR 577*)

760 IAC 1-50-9 Solicitor=s continuing education requirements

Authority: IC 27-1-15.5-7.1

Affected: IC 27-1-15.5-7.3; IC 27-1-15.5-7.7

Sec. 9. Beginning with the January 1993 renewals, and each year thereafter, individuals renewing their solicitor=s license must show proof of having completed fifteen (15) hours of continuing education credit each year. (*Department of Insurance; 760 IAC 1-50-9; filed Feb 23, 1993, 5:00 p.m.: 16 IR 1827; filed Nov 4, 1999, 10:12 a.m.: 23 IR 575*)

760 IAC 1-50-10 Reciprocal agreements

Authority: IC 27-1-15.5-7.1

Affected: IC 27-1-15.5-7.3

Sec. 10. (a) The department may enter into reciprocal agreements with other states for the approval or disapproval of continuing education courses. When considering an application for continuing education course approval, the department shall approve a continuing education course approved by a state that has entered into a reciprocal agreement with the department for the same number of credit hours it was approved for in the other state.

(b) Notwithstanding subsection (a), no course described in IC 27-1-15.5-7.3(b) shall be approved under this section. (*Department of Insurance; 760 IAC 1-50-10; filed Feb 23, 1993, 5:00 p.m.: 16 IR 1828; filed Nov 4, 1999, 10:12 a.m.: 23 IR 576*)

760 IAC 1-50-11 List of continuing education course providers

Authority: IC 27-1-15.5-7.1

Affected: IC 27-1-15.5-7.1

Sec. 11. The department shall maintain a current list of providers who offer approved continuing education courses. (*Department of Insurance; 760 IAC 1-50-11; filed Feb 23, 1993, 5:00 p.m.: 16 IR 1828; filed Nov 4, 1999, 10:12 a.m.: 23 IR 576*)

760 IAC 1-50-12 Extension of continuing education course requirements (*Repealed*)

Sec. 12. (*Repealed by Department of Insurance; filed Nov 4, 1999, 10:12 a.m.: 23 IR 577*)

760 IAC 1-50-13 Retirement exemption

Authority: IC 27-1-15.5-7.1

Affected: IC 27-1-15.5-8

Sec. 13. (a) A retired agent who is required by an insurer to maintain l his or her license in order to collect commissions on business written before retirement, may apply for an exemption from continuing education requirements.

(b) To obtain a retirement exemption, an agent shall complete and submit to the department the

exemption form set forth in section 13.5 of this rule.

(c) The agent shall notify the department of any changes in his or her retirement status.

(d) A retired agent who solicits or services a policy is not eligible to apply for or retain an exemption from the continuing education requirements.

(e) An agent who fails to notify the department of any change in status under this section will be subject to administrative action under IC 27-1-15.5-8. (*Department of Insurance; 760 IAC 1-50-13; filed Feb 23, 1993, 5:00 p.m.: 16 IR 1828; filed Nov 4, 1999, 10:12 a.m.: 23 IR 576*)

760 IAC 1-50-13.5 Retirement exemption form

Authority: IC 27-1-15.5-7.1

Affected: IC 27-1-15.5-3

Sec. 13.5. The form referenced in section 13 of this rule is as follows:

CONTINUING EDUCATION EXEMPTION FORM FOR RETIRED INSURANCE AGENTS AND SOLICITORS

I, _____, do hereby attest that effective _____ I am retired and am no longer an active insurance agent. I will not solicit or service any insurance policy or policyholder. I respectfully request that I be exempt from fulfilling the continuing education requirements as prescribed by IC 27-1-15.5-7.1.

If my current situation changes and I plan to solicit or service insurance policies or policyholders, I will immediately notify the Indiana Department of Insurance of my change in status. I understand that the Department will rescind any continuing education exemption, and I will thereafter be responsible for all continuing education requirements as prescribed in IC 27-1-15.5-7.1.

I further understand that if I fail to notify the Department of Insurance of any change in my retirement status and I engage in the business of insurance, including soliciting or servicing an insurance policy, I will be subject to administrative sanctions.

Date

Signature

License number

Address

License expiration date City/State Zip

Subscribed and sworn to before me this _____ day of _____, ____

Notary Public

My commission expires: _____

County of residence: _____

(*Department of Insurance; 760 IAC 1-50-13.5; filed Nov 4, 1999, 10:12 a.m.: 23 IR 576*)

760 IAC 1-50-14 Disciplinary sanctions (*Repealed*)

Sec. 14. *(Repealed by Department of Insurance; filed Nov 4, 1999, 10:12 a.m.: 23 IR 577)*

760 IAC 1-50-15 Fees *(Repealed)*

Sec. 15. *(Repealed by Department of Insurance; filed Nov 4, 1999, 10:12 a.m.: 23 IR 577)*